

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JONATHAN BERALL, M.D., M.P.H.,

Plaintiff,

v.

VERATHON INC.,

Defendant.

Case No. C21-944RSM

ORDER GRANTING MOTIONS TO  
SEAL

This matter comes before the Court on the unopposed Motions to Seal filed by the parties at Dkts. #394, #400, #420, #428, #435, #443, #467, and #483.

“There is a strong presumption of public access to the court’s files.” Local Rule 5(g). The Court’s Local Rules explicitly instruct the parties to present legal and evidentiary support in a motion to seal. Normally that motion must include “a specific statement of the applicable legal standard and the reasons for keeping a document under seal, with evidentiary support from declarations where necessary.” Local Rule 5(g)(3)(B). However:

Where parties have entered a litigation agreement or stipulated protective order (see LCR 26(c)(2)) governing the exchange in discovery of documents that a party deems confidential, a party wishing to file a confidential document it obtained from another party in discovery may file a motion to seal but need not satisfy subpart (3)(B) above. Instead, the party who designated the document confidential must satisfy subpart (3)(B) in its response to the motion to seal or in a stipulated motion.

Local Rule 5(g)(3). A “good cause” showing under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal citations omitted). For dispositive motions, the presumption may be overcome by demonstrating “compelling reasons.” *Id.*; *Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1135-36 (9th Cir.2003). Applying the “compelling reasons” standard, the Ninth Circuit has found appropriate the sealing of documents attached to a motion for summary judgment when court records could be used “as sources of business information that might harm a litigant’s competitive standing.” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016), *cert. denied*, 137 S.Ct. 38 (2016).

The Court has deep reservations about the sealing of certain of these exhibits. However, given the procedural posture of this case and the lack of opposition, the Court will now grant these Motions and keep the related documents under seal at this time.

Having reviewed the relevant briefing, the declarations and exhibits attached thereto, and the remainder of the record, the Court hereby finds and ORDERS that the unopposed Motions to Seal filed by the parties at Dkts. #394, #400, #420, #428, #435, #443, #467, and #483 are GRANTED. The filings at Dkts. #396, #398, #399, #405, #408, #410, #411, #423, #425, #427, #429, #434, #437, #445, #447, #470 and #486 are to remain under seal. The parties are to timely file any redacted versions that are not already on the docket as indicated by the parties in briefing.

DATED this 13<sup>th</sup> day of January, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE